



LOC-47 DAC

PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|   |                      |                         |              |
|---|----------------------|-------------------------|--------------|
| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number   | 09/491,721              |              |
|   | Filing Date          | January 27, 2000        |              |
|   | First Named Inventor | Stephen D. Bruce et al. |              |
|   | Art Unit             | 1771                    |              |
|   | Examiner Name        | Jeremy R. Pierce        |              |
| Total Number of Pages in This Submission  | 6                    | Attorney Docket Number  | 15838-211001 |

| ENCLOSURES (Check all that apply)  |   |   |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form                                | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> After Allowance communication to Technology Center (TC)        |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences     |
| <input type="checkbox"/> Amendment/Reply                                     | <input checked="" type="checkbox"/> Petition  | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                           | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request                           | <input type="checkbox"/> Terminal Disclaimer  | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):         |
| <input type="checkbox"/> Express Abandonment Request                         | <input type="checkbox"/> Request for Refund   | Acknowledgement Postcard  |
| <input type="checkbox"/> Information Disclosure Statement                    | <input type="checkbox"/> CD, Number of CD(s) _____                                      |   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)              | Remarks   |   |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application    |   |   |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 |   |   |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |
|--|---|
| Firm or Individual name                    | P. Weston Musselman, Jr.<br>Reg. No. 31,644 |
| Signature                                  | <i>P. Weston Musselman, Jr.</i>             |
| Date                                       | October 23, 2003                            |

| CERTIFICATE OF TRANSMISSION/MAILING   |                     |              |                  |
|---|---------------------|--------------|------------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. |                     |              |                  |
| Typed or printed name   |                     | Pat Bradford |                  |
| Signature   | <i>Pat Bradford</i> | Date         | October 23, 2003 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED

OCT 29 2003

OFFICE OF PETITIONS



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Stephen D. Bruce et al.                      Art Unit : 1771  
Serial No. : 09/491,721                                      Examiner : Jeremy R. Pierce  
Filed : January 27, 2000  
Title : TEAR RESISTANT ELASTIC LAMINATE AND METHOD OF FORMING

**MAIL STOP PETITION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RENEWED PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
BASED ON FAILURE TO RECEIVE OFFICE ACTION UNDER 37 C.F.R. 1.181**

This is in response to paper number 16 mailed September 30, 2003 dismissing the petition mailed on September 8, 2003. Applicant is submitting this renewed petition to clarify that P. Weston Musselman, Jr., registration number 31,644: was the attorney of record and empowered with the authority to prosecute the application (serial number 09/491,721) on December 9, 2002. Furthermore, counsel for applicant as of December 9, 2002, affirmatively states that the notice mailed on December 9, 2002 was not received.

For clarification, the attorney of record on December 9, 2002 was:

P. Weston Musselman, Jr.  
Reg. No. 31,644  
Jenkins & Gilchrist  
1445 Ross Avenue, Suite 4300  
Dallas, Texas 75202

**RECEIVED**

**OCT 29 2003**

**OFFICE OF PETITIONS**

**CERTIFICATE OF TRANSMISSION BY FACSIMILE**

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

OCTOBER 23, 2003  
Date of Transmission  
Pat Bradford  
Signature  
PAT BRADFORD  
Typed or Printed Name of Person Signing Certificate

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL**

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

OCTOBER 23, 2003  
Date of Deposit  
Pat Bradford  
Signature  
PAT BRADFORD  
Typed or Printed Name of Person Signing Certificate

Applicant : Stephen D. Bruce et al.  
Serial No. : 09/491,721  
Filed : January 27, 2000  
Page : 2 of 2

Attorney's Docket No.: 15838-211001 / 233USPT

The current attorney of record is the same person at the following address:

P. Weston Musselman, Jr.  
Reg. No. 31,644  
Fish & Richardson P.C.  
5000 Bank One Center  
1717 Main Street  
Dallas, Texas 75201

A review of the file will indicate that P. Weston Musselman, Jr. has been the attorney of record for the life of this file. Therefore, the prior petition should be granted such that the abandonment is withdrawn as required under 37 C.F.R. 1.181

Attached hereto and incorporated herein by reference is a copy of the petition mailed September 8, 2003 with Exhibit A. Counsel for applicant hereby reaffirms the statements made in the petition mailed September 8, 2003.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: October 23, 2003

P. Weston Musselman, Jr.  
P. Weston Musselman, Jr.  
Reg. No. 31,644

Fish & Richardson P.C.  
5000 Bank One Center  
1717 Main Street  
Dallas, Texas 75201  
Telephone: (214) 292-4030  
Facsimile: (214) 747-2091

90055697.doc

**RECEIVED**

OCT 29 2003

OFFICE OF PETITIONS



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Stephen D. Bruce et al.                      Art Unit : 1771  
Serial No. : 09/491,721                                      Examiner : J. Pierce  
Filed : January 27, 2000  
Title : TEAR RESISTANT ELASTIC LAMINATE AND METHOD OF FORMING

**MAIL STOP PETITION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
BASED ON FAILURE TO RECEIVE OFFICE ACTION (MPEP 711.03(c)II)**

Pursuant to MPEP 711.03(c)II and in response to the Notice of Abandonment mailed July 31, 2003, Applicant hereby petitions to withdraw the holding of abandonment of the above-mentioned application. The application was abandoned for failure to respond to the Office Action mailed on December 9, 2002. An adequate showing of the cause of delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR §1.137(a) was unavoidable, is set forth below.

Jenkins & Gilchrist, P.C, never received the Office Action mailed on December 9, 2002. A search of the file jacket and docket records confirms that the Office communication was not received. Attached as Exhibit A is a copy of the Jenkins & Gilchrist, P.C. docket record where the non-received Office communication would have been entered had it been docketed. Exhibit A is thus "a copy of the docket report showing all replies docketed for a date three months from the mail date of the non-received Office Action", as the communication would have been docketed due March 9, 2003 if it had been received. Due to the fact that Jenkins & Gilchrist, P.C. manages thousands of U.S. and foreign patent files, a hand written log of due dates is not kept.

Counsel for Applicant promptly contacted Examiner Jeremy Pierce upon receipt of the Notice of Abandonment (which was forwarded by Applicant's former law firm) and received a copy of the Office Action from him on August 25<sup>th</sup>. During the nine (9) business days

CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EV315554185USSeptember 8, 2003

Date of Deposit

Applicant : Stephen D. Bruce et  
Serial No. : 09/491,721  
Filed : January 27, 2000  
Page : 2 of 2

Attorney's Docket : 15-211001 / 233USPT

(excluding holidays and weekends) between August 25<sup>th</sup> and the filing date of this Petition, counsel for Applicant reported the substance of the Office Action to its client, Applicant reviewed the Office action and provided instructions to its counsel, Applicant's counsel reviewed the Office Action and drafted a suitable reply thereto, and there were multiple communications with Jenkins & Gilchrist, P.C. to establish the conditions upon which the necessary docket printout would be provided, as Applicant's counsel is no longer with Jenkins & Gilchrist, P.C. Based on the foregoing evidence, Applicant submits that the entire delay was unavoidable. Therefore, Applicant requests that the abandonment be withdrawn and that the enclosed Office Action Response be accepted as a response to the Office letter mailed December 9, 2002.

In the interest of expediting prosecution of this application, a response to the outstanding Office Action, including a Request for Continued Examination, is being filed herewith.

Enclosed is a check for \$110.00 to cover the fee for this petition as well as a check for \$750.00 to cover the RCE fee. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: September 8, 2003

P. Weston Musselman, Jr.  
P. Weston Musselman, Jr.  
Reg. No. 31,644

Fish & Richardson P.C.  
5000 Bank One Center  
1717 Main Street  
Dallas, Texas 75201  
Telephone: (214) 292-4030  
Facsimile: (214) 747-2091

90049828.doc

RECEIVED

OCT 29 2003

OFFICE OF PETITIONS

## PATENT ACTIONS DUE REPORT

| <i>ActionDueDate</i>     | <i>DocketNumber</i> | <i>ApplicationNumber</i> | <i>PatentNumber</i> | <i>AttorneyName</i> |
|--------------------------|---------------------|--------------------------|---------------------|---------------------|
| <i>ActionDescription</i> | <i>CountryName</i>  | <i>ApplicationDate</i>   | <i>GrantDate</i>    | <i>ClientName</i>   |

03/10/2003

|                          |                 |     |   |     |            |  |                                    |
|--------------------------|-----------------|-----|---|-----|------------|--|------------------------------------|
| Rejection response filed | 34648-00407USPT | REG | X | NAT | 09/06/1428 |  | Stanley R. Moore                   |
|                          | United States   |     |   |     | 04/16/1998 |  | Ericsson Patent Unit Radio Network |

**Title** MULTIPLE FREQUENCY REALLOCATIONS IN AN AUTOMATED FREQUENCY ALLOCATION ENVIRONMENT

|                 |                 |     |     |     |            |            |                               |
|-----------------|-----------------|-----|-----|-----|------------|------------|-------------------------------|
| Advisory Action | 34645-00355USPT | REG | ORG | NAT | 08/994586  | 6580910    | Stanley R. Moore              |
|                 | United States   |     |     |     | 12/19/1997 | 06/17/2003 | Ericsson Patent Unit Research |

**Title** METHOD AND SYSTEM FOR IMPROVING HANDOFFS IN CELLULAR MOBILE RADIO SYSTEMS

**Report Criteria** ((ActionDueDate) Between '3/9/2003' AND '3/10/2003') AND ((CountryName) in ('United States')) AND ((ActionDescription) in ('Resp 4th OA filed', 'Response 1st OA Filed', 'Response 2nd OA filed', 'Response to 3rd OA filed', 'Final rejection filed', 'Advisory Action', 'Rejection response filed'))

**Order by ActionDueDate**

**Record Count** 3